

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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December 14, 2009  
Start: 9:51 am  
Recess: 9:57 am

HELD AT: Council Chambers  
City Hall

B E F O R E:  
TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Council Member Simcha Felder  
Council Member Robert Jackson  
Council Member Melinda R. Katz  
Council Member Joel Rivera  
Council Member Joel B. Seabrook  
Council Member Helen Sears  
Council Member Albert Vann

2 [pause, background noise]

3 CHAIRPERSON AVELLA: Good morning,  
4 everyone, I'd like to call this meeting of the  
5 Subcommittee on Zoning and Franchises to order.  
6 We have two items on the agenda that we will be  
7 voting on. But first let me introduce the members  
8 of the Committee that are here. Council Members  
9 Al Vann, Larry Seabrook, Joel Rivera, and Simcha  
10 Felder. The two items we will be voting on first  
11 is the Western Rail Yards, which lies within  
12 Speaker Quinn's district. And there have been  
13 ongoing negotiations, and there is a very  
14 extensive modification that we will be approving.  
15 Just quickly, let me go over some of the  
16 highlights of the modification, and we'll submit  
17 the text of the modification into the record.  
18 First of all, under the original proposal, it was  
19 unknown as to how much affordable housing would be  
20 present; in the application now there is a  
21 commitment that over 20 percent of the units will  
22 be affordable through a mix of programs, and that  
23 they will be permanently affordable. There will  
24 also be more public members on the governing board  
25 of the open space that is allocated during the, as

1 part of the proposal, and more space for a school.  
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3 The second item is, which we'll be voting on, is  
4 the Kingsbridge Armory. And you know, I don't  
5 think I have to go into the issues that were  
6 involved, but the Administration has failed to  
7 reach an agreement with the Council, and there  
8 will be a motion to deny the application. Any  
9 comments from Committee members before we vote?  
10 Seeing none, I will ask Counsel to call the vote.  
11 Both votes will be coupled, so it is a motion to  
12 approve Western Rail Yards with the modifications,  
13 and a motion to deny Kingsbridge Armory. So, and  
14 Chair recommends aye on all.

15 COUNSEL: Here, Christian Hilton,  
16 Counsel to the Committee. Chair Avella.

17 CHAIRPERSON AVELLA: It is a  
18 pleasure for, after eight years, to say aye.  
19 [laughs]

20 COUNSEL: Council Member Rivera.

21 COUNCIL MEMBER RIVERA: I vote aye  
22 on all.

23 COUNSEL: Council Member Felder.

24 COUNCIL MEMBER FELDER: May I make  
25 a comment? It is indeed a pleasure to figure out

1  
2 how to say no, by saying yes. [laughter] Is that  
3 what you meant? I vote aye.

4 COUNSEL: Council Member Seabrook.

5 COUNCIL MEMBER SEABROOK: I vote  
6 aye.

7 COUNSEL: Council Member Sears.

8 CHAIRPERSON AVELLA: This passed,  
9 yeah?

10 COUNCIL MEMBER SEARS: Just one  
11 moment, please.

12 COUNSEL: Council Member Vann.

13 COUNCIL MEMBER VANN: Aye.

14 [pause, background noise]

15 COUNSEL: Council Member Sears.

16 COUNCIL MEMBER SEARS: I vote aye  
17 on--

18 MALE VOICE: Western Rail Yards.

19 COUNCIL MEMBER SEARS: Western Rail  
20 Yards, and no on Kingsbridge.

21 CHAIRPERSON AVELLA: And no on--?

22 COUNCIL MEMBER SEARS: Yeah.

23 [pause, background noise]

24 COUNSEL: By a vote of six in the  
25 affirmative, no in the negative, no abstentions,

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LU1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267 and 1268 are approved with modification and referred to the City Planning Commission. LU1256, 1257, 1258 and 1259 are dis--or motion to disapprove is approved, by a vote of five in the affirmative, five in the affirmative, one in the negative.

CHAIRPERSON AVELLA: And we will keep the vote open till immediately before Land Use starts.

COUNCIL MEMBER SEARS: When does Land Use start?

CHAIRPERSON AVELLA: Almost immediately.

COUNCIL MEMBER SEARS: Oh, okay.

CHAIRPERSON AVELLA: [laughs]

[pause, background noise]

[gavel]

SERGEANT-AT-ARMS: Quiet, please.

CHAIRPERSON AVELLA: I'd like to call on Council Member Jackson to give his vote.

COUNCIL MEMBER JACKSON: May I be excused to explain my vote, please. Sure, thanks.

CHAIRPERSON AVELLA: Yes.

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2 COUNCIL MEMBER JACKSON: Let me  
3 come around here.

4 MALE VOICE: Yeah, go ahead.

5 [pause, background noise]

6 COUNCIL MEMBER JACKSON: Thank you,  
7 Mr. Chair, good morning, everyone. Let me just  
8 say that while I tend to vote aye on all, meaning  
9 a vote in the affirmative on the, on the Western  
10 Yards, an affirmative vote to deny the situation  
11 with the Kingsbridge Armory, I am not happy. I'm  
12 not happy at the parties that we could, appear as  
13 though we could not resolve the issues and  
14 concerns of their--because I am afraid of the  
15 impact that that's going to have on the future of  
16 The Bronx, as far as Kingsbridge Armory, and the  
17 thousands of construction jobs that may not go  
18 forward. But also I'm afraid and not happy about  
19 the fact that the powers that be, the powers that  
20 be in the City of New York, and I'm not talking  
21 about the 1.2 million residents of The Bronx, I'm  
22 talking about Mayor Bloomberg and all of his  
23 Commissioners, and the leaders of The Bronx could  
24 not come together to work out this situation. I  
25 do know the negative impact of this. I say I do

1 know because my entire family, brothers, sisters,  
2 nieces, nephews, all live in The Bronx. I do know  
3 that a family based on the federal poverty level,  
4 is \$22,000, and that the jobs that's being  
5 discussed, which are not part of the Land Use  
6 process, that if in fact \$10 an hour with  
7 benefits, that would only reap about \$21,700 a  
8 year, which is less than the poverty level set by  
9 the U.S. government. And if in fact if it was  
10 even \$8 an hour, it would be so little that most  
11 of the families, if not all of them, would still  
12 depend on the City of New York for services, for  
13 food stamps, for Medicaid and other things like  
14 that. It's a shame that we can't get together.  
15 And in fact, I wish that we could stop the clock  
16 right now. Stop the clock right now, and is there  
17 any way we can stop the clock right now, and have  
18 these individuals that are discussing this  
19 particular matter, go in a room and close the door  
20 and don't come out until you resolve the matter on  
21 behalf of the people of New York City? People of  
22 The Bronx. That's what I would like. I really do  
23 not want to vote right now. So Mr. Chair, is  
24 there any way we could stop the clock on this  
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particular matter?

CHAIRPERSON AVELLA: No. Today, this is it, this is it, this is the drop dead date.

COUNCIL MEMBER JACKSON: What time today? What time today? Is it 11:59 p.m.? I'm asking what time is the last second that we can--

CHAIRPERSON AVELLA: Council Member, the vote has already taken place, I'm--

COUNCIL MEMBER JACKSON: I understand as far as the vote.

CHAIRPERSON AVELLA: You've been called on to, to--

COUNCIL MEMBER JACKSON: But I'm talking about as far as when does the City Council have to act? Is it by 11:59 p.m. today?

CHAIRPERSON AVELLA: By close of business today. Yeah, but the Council has to act.

COUNCIL MEMBER JACKSON: Well, I'm encouraging the parties to go and still try to resolve it. Even though I'm voting yes on both items, meaning yes going forward with Western Yards, and yes, a yes vote to affirmatively deny the Kingsbridge Armory, I am not pleased about it.



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And so with that, that's my statement, and I, I--I beg the parties to go in the room and work it out.

CHAIRPERSON AVELLA: Council Member, did you vote?

COUNCIL MEMBER JACKSON: I did. Initially, I said I vote aye on both.

CHAIRPERSON AVELLA: Okay.

COUNSEL: Council Member Katz.

COUNCIL MEMBER KATZ: I abstent.

[pause, background noise]

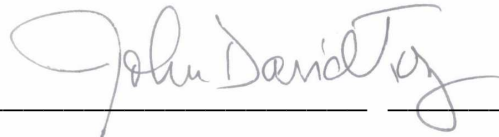
COUNSEL: Vote now stands--seven in the affirmative, one abstention on LUs 1260 through 1268, motion approved with modification, referred to City Planning. And vote stands six in the affirmative, one in the negative, one abstention, on LUs 1256 through 1259, motion to disapprove.

CHAIRPERSON AVELLA: Thank you everyone, this closes this meeting of the Subcommittee on Zoning and Franchises. Right, and Land Use is immediately next.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned above a horizontal line that serves as a signature line.Date DECEMBER 22, 2009